

**REMARKS****Summary of the Office Action**

Claims 2-3 and 5-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0017762 to Sogawa ("Sogawa").

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Summary of the Response to the Office Action**

Claims 1-9 are pending for consideration.

Claim 4 has been rewritten to place it in independent form, including all limitations of the base claim and any intervening claims.

A Statement Under 37 C.F.R. 1.55(a) is being concurrently submitted to overcome the rejection of claims 2-3 and 5-9 under 35 U.S.C. § 102(e).

**Rejection Under 35 U.S.C. § 102(e)**

Claims 2-3 and 5-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sogawa. The Office Action indicated that the rejection under 35 U.S.C. § 102(e) might be overcome by a showing that any invention disclosed but not claimed in the reference was derived from the inventor of this application. However, a Statement Under 37 C.F.R. 1.55(a) may also be used to overcome a rejection under 35 U.S.C. § 102(e) as explained in MPEP § 2136.03(I).

A Statement Under 37 C.F.R. 1.55(a) certifying the Japanese priority date of January 23, 2003, which predates the July 16, 2003 U.S. Application date of Sogawa, is being concurrently submitted to overcome the rejection of claims 2-3 and 5-9 under 35 U.S.C. § 102(e).

For at least the above reasons, Applicants submit that independent claim 1, independent claim 2 and its dependent claims 3 and 5-9, and independent claims 4 are in condition for allowance. Allowance of claims 1-9 is earnestly solicited.

### **CONCLUSION**

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: March 14, 2007

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